

Objections to the Claims

Claim 29 stands objected to for failing to conform the claim language to its antecedent claim. The Applicant respectfully submits that the amendment to claim 29 reflected above is sufficient to remove the basis for this objection and requests that it be reconsidered and withdrawn accordingly.

Rejections under 35 U.S.C. § 112

Claims 14, 16-21, 23 and 28-30 stand rejected under 35 U.S.C. § 112, second paragraph, as incomplete for omitting essential elements. The Applicant respectfully submits that the amendments reflected above to claim 14 are sufficient to remove any ambiguity regarding the emission of both ionization electrons and light from the medium as the result of interaction with gamma rays. The Applicant respectfully submits that support for the amendments reflected above to claim 14 may be found in the specification as originally filed in at least paragraphs [0013] and [0021-25], FIGS. 1A and 1B, and original claims 1-3. The Applicant further submits that, as amended, claim 14 is consistent with the claims that depend therefrom, including at least claims 15-21, 23 and 28-30.

The Applicant further submits that the amendment reflected above to claim 15 simply removes the redundant recitation of the property of the medium with regard to light emission.

The Applicant respectfully requests that this rejection be reconsidered and withdrawn in light of the amendments reflected above to claims 14 and 15.

Double Patenting

Claims 1-45 stand provisionally rejected under the judicially created doctrine of non-statutory double patenting in light of claims 1-24 of co-pending U.S. Patent Application No. 10/192,614 . In light of the present application's status as a continuation of the cited application, the Applicant respectfully contends that the present application cannot mature into a patent that would afford any "improper timewise extension" since,

barring any term extension, patents resulting from both applications will expire on the same day. In any event, the Applicant respectfully contends that the terminal disclaimer filed herewith is in full compliance with 37 C.F.R. § 1.321(c) and is, therefore, sufficient to overcome this rejection.

The Applicant, therefore, respectfully requests that this rejection be reconsidered and withdrawn accordingly.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections have been addressed and overcome, leaving the present application in condition for allowance. A notice to that effect is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned at (703) 668-8034.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, P.L.C.

By:



Gregory P. Brummett

Reg. No. 41,646

P.O. Box 8910
Reston, VA 20195
(703) 668-8000

DJD/GPB